

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
Chief, Criminal Division

4 TIMOTHY J. LUCEY (CABN 172332)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5054
Fax: (408) 535-5066
E-Mail: Timothy.Lucey@usdoj.gov

8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 12 - 00527 MAG
14 Plaintiff,) STIPULATION AND
15 v.) [PROPOSED] ORDER
16 KATHLEEN BORKENHAGEN,)
17 Defendants.)
18 _____)

19 WHEREAS, the government has filed an information in connection with the above-
20 entitled matter;

21 WHEREAS, the parties were scheduled for a status hearing before this Court on Monday,
22 September 17, 2012, as to further proceedings in connection with this matter, but which has been
23 reset via clerk's notices to Monday, November 5, 2012, at 9:30 a.m.;

24 WHEREAS, defense counsel is continuing to review documents in connection with
25 evaluating and analyzing this matter as well as providing relevant documents to the United
26 States, particularly in reference to the nature and amount of restitution;

27 WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this
28 matter is appropriate in order to ensure effective preparation of counsel, pursuant to 18 U.S.C. §

1 3161(h)(7)(B)(iv);

2 THEREFORE, the parties mutually and jointly agree that time should be excluded from
3 September 17, 2012, up and including November 5, 2012. The parties agree that excluding time
4 until November 5, 2012, is necessary, given the need to maintain continuity of counsel. The
5 parties also agree that failing to grant a continuance would deny counsel for the defense the
6 reasonable time necessary for effective preparation and continuity of counsel, taking into
7 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). Finally, the parties
8 agree that the ends of justice served by excluding time from September 17, 2012, until
9 November 5, 2012, outweigh the best interest of the public and the defendant in a speedy trial.
10 Id. § 3161(h)(7)(A).

11 **STIPULATED:**

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13 DATED: October 12, 2012

/s/
MANUEL ARAUJO
Attorney for KATHLEEN BORKENHAGEN

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16 DATED: October 12, 2012

/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

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20 **ORDER**

21 For good cause shown, the Court enters this order excluding time from September 17,
22 2012, up to and including November 5, 2012. Specifically, the parties agree, and the Court finds
23 and holds that such that time should be excluded until November 5, 2012, and furthermore that
24 failing to grant a continuance and exclude time until November 5, 2012, would unreasonably
25 deny the defendant effective preparation of counsel, taking into account the exercise of due
26 diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

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1 Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
2 excluding time from September 17, 2012, through November 5, 2012, outweigh the best interest
3 of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

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5 **IT IS SO ORDERED.**

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7 DATED: 10/16/2012

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HON. PAUL S. GREWAL
United States Magistrate Judge

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